

**Town of La Pointe Zoning
Town Board/Town Plan Commission Joint Meeting Minutes
May 3, 2012**

Town Board Members Present: Greg Nelson, Chair, Jim Patterson, Nick Nelson, Larry Whalen (4).

Town Plan Commission (TPC) Members Present: Ted Pallas, Chair, Charles Brummer, Vice-Chair, Suellen Soucek, Carey Baxter, Joan Martin, Greg Thury, Larry Whalen (7).

Town Board Members absent: Ham Ross (1).

Town Plan Commission Members Absent: none.

Public Present: Keith Sowl, Dave Thomas, Kate Bortell, Charlie Meech, Lois Carlson, Lisa Potswald, Mike Starck, Paul Brummer (8).

Town Staff Members Present: Patty Hobin, Clerk, Margaretta Kusch, ZCA (2).

I. Call to Order/Roll Call

Chair Nelson called the Meeting to order at 4:30 PM at the La Pointe Town Hall. Roll call reflected members present or absent as recorded above.

II. Discussion of issues regarding the Town in which both bodies have decision- and recommendation-making powers

Chair Nelson begins discussion by noting that the Madeline Island School of the Arts (MISA) Conditional Use Permit application to the Town Plan Commission, the overturn of Town Plan Commission's recommendation by the Town Board, and the overall constant Public Hearing process have resulted in a lot of frustration in town. Attorney Fauerbach said that La Pointe is uncommon in its division of government (having both a Town Plan Commission and a Town Board deciding on Conditional Use Permits), but Chair Nelson thinks Conditional Use Permits should be decided by elected officials after just a recommendation from the Town Plan Commission, as the Town Board can be voted off. He states that it's hard enough to get people to work on committees and boards in La Pointe in the first place. He thinks that things will change as the Town Plan Commission no longer needs to be focused on Zoning Ordinance Revision Project and the town is getting a Town Administrator.

Chair Pallas feels that the past two Conditional Use Permits would've been discussed and decided on more smoothly if the Town Board had taken them through the whole process.

Chair Nelson agrees with Chair Pallas but notes that a majority of the Town Board didn't agree. He feels that the Town Board should attend Town Plan Commission meetings regarding Conditional Use Permits.

Chair Pallas feels that if only appeal to Conditional Use Permit decisions is in court, the Town Board should oversee the whole process of Conditional Use Permits.

C. Brummer states that there were two Public Hearings for the Big Bay Town Park (BBTP) Conditional Use Permit and one for the MISA Conditional Use Permit, and he didn't like the fact that public input was taken into account afterwards.

L. Whalen speaks as a Town Plan Commissioner. He states that, regarding BBTP, the situation has progressed beyond what he thought was going to occur there (regarding the sanitary system being developed).

Chair Nelson responds that he understands new developments are occurring there, but that he believes Town land should be excepted from Conditional Use Permit process regarding the BBTP Conditional Use Permit, especially as the Town Board were, in effect, functioning as the Board of Appeals for Conditional Use Permits and would've had to make recommendations to themselves as the Town Board.

Chair Pallas asks if Attorney Fauerbach did indeed say the Town Board couldn't act as the Board of Appeals? Judge Eaton had said decisions and recommendations were different things, so he (Chair Pallas) doesn't understand how that would've been the case.

Chair Pallas feels that the Town Plan Commission should be required to be at Town Board meetings of decision regarding Conditional Use Permits.

Chair Nelson and J. Patterson agree.

N. Nelson suggests that perhaps there be meetings like this one for Conditional Use Permits in general? He feels it's in the best interest of the Town if there's more of this working together closely.

Chair Nelson responds that there've been protocol issues with that idea (having joint meetings) in the past-for instance, during the proposed Many Trees, LLC development. However, he's all in favor of joint meetings.

Chair Nelson states that the Comprehensive Plan was created first, then the Zoning Ordinance, which was maybe out of order, but that any board member or the public person can make change recommendations to the Comprehensive Plan.

Chair Pallas states that the Zoning Ordinance had to be revised as whole, not section by section, as the various parts were all interconnected and that similarly, the Comprehensive Plan update will be completed in one revision process as well this fall. He feels that it should likely be revised every two years rather than five.

J. Patterson feels that the Town Plan Commission has been handling issues very well, one example being parking (on Middle Road). A very acceptable compromise was made. He feels that credit is due for picking up the pieces of a very bad start (regarding the Zoning Ordinance). He feels nothing is perfect in the world of Town documents, including the Comprehensive Plan.

Chair Pallas feels that parking is still a very difficult issue to resolve downtown. In 1972 the Town created the Commercial District out of a residential area, with the result that new businesses have very little space to work with when trying to create sufficient parking. One can't stop someone from trying to start a business downtown, but it becomes the business person's risk with the parking. He questions how parking requirements can be fairly enforced on some business owners but not others in the downtown area.

C. Brummer notes that the Town will not ever have a situation where everyone agrees.

C. Baxter adds that the Town shouldn't want to either.

L. Whalen states that the Comprehensive Plan is a floating document. The Zoning Ordinance is the details or small print of the Comprehensive Plan. Both documents can be interpreted to mean different things to different people – or boards.

Chair Nelson notes that there's a problem with the clarification of the complaint process in the Zoning Ordinance and Chair Pallas responds that it should be on the required text changes to the Zoning Ordinance list.

Chair Nelson states that he can't think of one Conditional Use Permit in the last twenty years that hasn't been contentious. More will come up soon enough.

S. Soucek wishes the Town Board would give more weight to the recommendations of the Town Plan Commission regarding Conditional Use Permits and agrees that joint meetings during Conditional Use Permits would be a good thing.

L. Whalen feels it's hard to reach a consensus with a seven member board, but that it gets really smooth by the end. He's been thinking the concept of the Town Plan Commission making a variety of recommendations to the Town Board when Conditional Use Permits come before them.

C. Baxter feels that the past few Conditional Use Permits are water under the bridge at this point, and what issues are in the future are unknown, so the two boards just need to work together on whatever comes forward.

J. Martin also agrees that there should be joint meetings for hot issues.

C. Brummer feels that there's lots of issues the Town Plan Commission should be more involved with regarding the Town Board than they are.

Chair Nelson feels that so many committees in La Pointe have basically been one-issue and fall apart after that issue's been decided.

III. Adjournment

L. Whalen moves to adjourn. G. Thury seconds. All in favor, 10 aye. Motion Carries. Meeting ends at 5:30 pm.

Town Board/Town Plan Commission minutes respectfully submitted by Margaretta Kusch, ZCA on Wednesday, May 16, 2012.

Town Plan Commission minutes approved as amended on Thursday, June 07, 2012.